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10/09/02

PATENT  
Customer No. 22,852  
Attorney Docket No. 5788.0178

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
John C. SMITH )  
Application No.: 10/023,713 )  
Filed: December 21, 2001 )  
For: CABLE HAVING CONDUITS FOR )  
RECEIVING OPTICAL FIBERS )

Group Art Unit: 2874

Examiner: Unassigned

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TECHNOLOGY CENTER 2800

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines

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that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 3, 2002

By: 

R. Bruce Bower  
Reg. No. 37,099

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